

PHILLIP A. TALBERT
United States Attorney
ALEXIS KLEIN
ROSS PEARSON
Assistant United States Attorneys
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS MILLER,
REGINALD JONES,
FELICIA SHAW,
JIMMY VAN II, and
JAZZMINE CAMPBELL,

Defendants.

CASE NO. 2:23-CR-00150 DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: October 5, 2023
TIME: 9:00 a.m.
COURT: Hon. Daniel J. Calabretta

STIPULATION

1. This matter was set for status conference before the Honorable Daniel Calabretta on October 5, 2023. ECF No. 47. Time has been excluded through and including October 5, 2023, as to all of the above-captioned defendants. *Id.*

2. By this stipulation, the parties request to set a status conference on January 18, 2024, at 9:00 a.m., and to exclude time between October 5, 2023, and January 18, 2024, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) Discovery associated with this case and produced to date includes reports and photographs, which have been either produced directly to counsel and/or made available for inspection and copying.

1 b) The government will be producing or making available additional discovery that
2 is voluminous, as it includes cell phone extractions.

3 c) Counsel for the defendants desire additional time to consult with their respective
4 clients, review the current charges, conduct investigation and research related to the charges, to
5 review and copy discovery for this matter, and to otherwise prepare for trial. Counsel for the
6 defendants believe that the failure to grant the above-requested continuance would deny them the
7 reasonable time necessary for effective preparation, taking into account the exercise of due
8 diligence.

9 d) The government joins the request to continue.

10 e) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of October 5, 2023 to and including
15 January 18, 2024, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
16 Code T4] because it results from a continuance granted by the Court at defendants' request on
17 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
18 best interest of the public and the defendant in a speedy trial.

19 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
21 must commence.

22 IT IS SO STIPULATED.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Dated: October 2, 2023

PHILLIP A. TALBERT
United States Attorney

2 /s/ ALEXIS KLEIN
3 ALEXIS KLEIN
4 ROSS PEARSON
Assistant United States Attorneys

5 Dated: October 2, 2023

6 /s/ LINDA HARTER
7 LINDA HARTER
Counsel for Defendant
MARCUS MILLER

8 Dated: October 2, 2023

9 By: /s/ DAVID FISCHER
10 DAVID FISCHER
Counsel for Defendant
REGINALD JONES

11 Dated: October 2, 2023

12 By: /s/ PHILIP COZENS
13 PHILIP COZENS
Counsel for Defendant
FELICIA SHAW

14 Dated: October 2, 2023

15 By: /s/ TASHA CHALFANT
16 TASHA CHALFANT
Counsel for Defendant
JIMMY VAN II

17 Dated: October 2, 2023

18 By: /s/ KYLE KNAPP
19 KYLE KNAPP
Counsel for Defendant
JAZZMINE CAMPBELL

ORDER

The Court, having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court vacates the October 5, 2023, status conference and resets the matter for a status conference on January 18, 2024, at 9:00 a.m. The Court also finds that based on the facts set forth in the parties' stipulation, the failure to exclude time between October 5, 2023 and January 18, 2024, would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. Time from October 5, 2023, to and including January 18, 2024, is excluded from the computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4.

IT IS SO FOUND AND ORDERED this 2nd day of October 2023.

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE